

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

STATUS REPORT

NOW INTO COURT, through undersigned counsel, comes defendant, Diversified Consultants, Inc. (“DCI”), and in accordance with this Court’s Order Granting DCI’s Motion to Stay (Rec. Doc. 25), submits this status report.

On May 28, 2014, this Court entered an order staying the action and requiring DCI to submit a report updating the Court on the status of the ruling by the Federal Communication Commission (“FCC”) on whether predictive dialers that lack the current capacity for random or sequential number generation meet the definition of an “automatic telephone dialing system” (“ATDS”) under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*¹ As of this date, the FCC has not issued a ruling. The anticipated

¹ See ACA International, *Petition for Rulemaking of ACA International*, CG Docket No. 02-278 (filed Jan. 31, 2014); Professional Association for Customer Engagement, *Petition for Expedited Declaratory Ruling and/or Expedited Rulemaking of the Professional Association for Customer Engagement*, CG Docket No. 02-278 (filed Oct. 18, 2013); Communication Innovators, *Petition for Declaratory Ruling*, CG Docket No. 02-278 (filed June 7, 2012), withdrawn, July 14, 2014.

ruling will have a significant impact upon the parties' ability to resolve the case without judicial intervention and utilization of the Court's limited and valuable resources.

Based on the foregoing, DCI requests that the Court continue the stay until the FCC issues such a ruling. If the FCC does not issue a ruling within the next six months, or by June 1, 2015, DCI will file another report updating the Court on the FCC's status.

Date: November 17, 2014.

Respectfully submitted,

/s/ Aaron R. Easley

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*Attorneys for Defendant,
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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of November, 2014, I caused a copy of the foregoing to be electronically served on all counsel via the Court's CM/ECF system.

s/Aaron R. Easley
Aaron R. Easley, Esq.
Attorney for Defendant,
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